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10 **UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF NEVADA**

12 CHRISTOPHER NELSON, on behalf of  
himself and all others similarly situated,

13 Plaintiff,  
14 vs.  
15 WAL-MART ASSOCIATES, INC. and DOES  
1 through 50, inclusive,  
16 Defendant(s).

17 Case No.: 3:21-cv-00066-MMD-CLB

18 **STIPULATION AND ORDER TO EXTEND  
FLSA NOTICE DEADLINES AND REPLY  
DEADLINE FOR FED. R. CIV. P. RULE 23  
CLASS CERTIFICATION MOTION**

19 **(First Request)**

20 Pursuant to Local Rules IA 6-1, IA 6-2 and LR 7-1, Defendant Wal-Mart Associates, Inc.  
21 (“Defendant”) and Plaintiff Christopher Nelson (“Plaintiff”) (the “Parties”), by and through their  
22 counsel, hereby stipulate as follows:

23 1. WHEREAS, on March 17, 2023, this Court issued an order setting the briefing  
24 schedule on the opposition and reply to Plaintiff’s Fed. R. Civ. Proc. 23 (“Rule 23”) motion for class  
certification as follows: Defendant’s opposition was due on April 10, 2023 and Plaintiff’s reply was  
due on April 24, 2023. (ECF No. 69.)

25 2. WHEREAS, on March 20, 2023, the Court issued an order approving the FLSA  
26 notice, allowing Defendant 30 days (up to April 19, 2023) to provide Plaintiff’s counsel a list of the:  
27 (a) full name; (b) current home address or last known address; (c) telephone number; (d) email  
address; and (e) Social Security number of each person who falls into the approved FLSA Dry

1 Section and FLSA Perishable Section classes (the “putative class members”). (ECF No. 70.) Per  
 2 the Court’s order, as of that same date, Plaintiff can commence a social media campaign on websites  
 3 geared to reach the target audience directly. (*Id.*) Per the Court’s order, Plaintiff then has until April  
 4 26, 2023 to mail Notice, Consent to Join form, and a postage pre-paid return envelope, to each person  
 5 identified on the list provided by Defendants. (*Id.*)

6       3. WHEREAS, Defendant filed its opposition to Plaintiff’s Rule 23 motion for class  
 7 certification on April 10, 2023, per the Court’s order.

8       4. WHEREAS, the Parties have been engaged in good faith efforts exploring potential  
 9 resolution of this matter. The Parties agree that a short continuance of the deadline to distribute the  
 10 FLSA Notice, and on the briefing schedule on the Rule 23 Class Certification Motion will allow the  
 11 Parties to finish exploring potential resolution prior to expending resources on further briefing and  
 12 the distribution and management of the FLSA Notice. The Parties agree it would be inefficient for  
 13 the FLSA Notice to be distributed at this time, and could cause confusion among recipients of the  
 14 Notice should a settlement be reached.

15      5. WHEREAS, the Parties respectfully request that all deadlines regarding the FLSA  
 16 Notice be extended two weeks, to May 3, 2023 and May 10, 2023, as set forth below; and that  
 17 Plaintiff’s deadline for filing his Reply brief in support of his Rule 23 Class Certification Motion be  
 18 extended two weeks to May 8, 2023.

19       Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED by and between the  
 20 Parties through their respective counsel of record herein and subject to Court order that:

21       1) The deadline for Defendant to provide the list of putative class members to Plaintiff  
 22 be continued from April 19, 2023 to May 3, 2023;

23       2) The deadline for Plaintiff to file a reply brief in support of his Rule 23 class  
 24 certification motion be continued from April 24, 2023 to May 8, 2023;

25       3) The deadline for Plaintiff to mail the Notice, Consent to Join form, and a postage pre-  
 26 paid return envelope to all putative class members identified by Defendant be continued from April  
 27 26, 2023 to May 10, 2023.

28       ///

1 This Stipulation is made in good faith and is not intended for purposes of delay.

2 DATED this 19th day of April 2023.

DATED this 19th day of April, 2023.

3 THIERMAN BUCK LLP

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
P.C.

5 */s/ Joshua D. Buck*

6 */s/ Anthony L. Martin*

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12 IT IS SO ORDERED.

**ORDER**

  
UNITED STATES DISTRICT COURT JUDGE

4/21/2023

DATED